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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 NIKCI BOYD,

11 Plaintiff(s),

12 vs.

13 RAY NELSON,

14 Defendant(s).
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Case No. 2:16-cv-00157-JCM-NJK

REPORT AND RECOMMENDATION

16 On February 26, 2016, the Court ordered Plaintiff to either pay the filing fee or file an application
17 to proceed *in forma pauperis*. Docket No. 2. The deadline for compliance was March 23, 2016. *Id.* The
18 Court warned that the “[f]ailure to comply will result in a recommendation that this case be dismissed.”
19 *Id.* To date, Plaintiff has failed to comply. Accordingly, **IT IS RECOMMENDED** that this action be
20 **DISMISSED** without prejudice.

21 Dated: March 28, 2016

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NANCY J. KOPPE
United States Magistrate Judge

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26 **NOTICE**

27 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing
28 and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts

1 of appeal may determine that an appeal has been waived due to the failure to file objections within the
2 specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
3 objections within the specified time and (2) failure to properly address and brief the objectionable issues
4 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
5 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*,
6 708 F.2d 452, 454 (9th Cir. 1983).